

DIGITAL DJ LICENCE

FREQUENTLY ASKED QUESTIONS

General

What is PPL?

Record companies have various rights in their sound recordings. Some of these rights are transferred to Phonographic Performance Limited (“PPL”), enabling members of the public to obtain licences from one source rather than having to contact all the different record companies.

PPL’s rights include the right to perform a sound recording in public, the right to broadcast a sound recording and the right to copy a sound recording for subsequent use in public performances or broadcasts.

Why do I need a Digital DJ Licence?

Under UK law it is necessary to obtain the permission of the owner of copyright in a sound recording if you copy that sound recording.

If a copy of a sound recording is made in order to play that sound recording in public, PPL controls the relevant copying rights and so can grant you a licence to ensure that your copies comply with the law.

Why do I need an extra licence if I have obtained the tracks lawfully?

When you purchase a vinyl record, tape or CD you only can use that record for domestic purposes. You do not acquire any rights to copy that record, or to play that record in public. So if you want to copy a sound recording on that record onto your computer, you must obtain the permission of the owner of the copyright in that sound recording.

The position in respect of lawful downloads is very similar, save that you are given a limited right to keep a copy of the downloaded sound recording for your domestic listening. If you want to keep that copy for other purposes, then the law requires you to obtain the permission of the copyright owner.

What is a DJ Database?

The DJ Database is the name given to the storage unit for a DJ’s collection of digital copies of sound recordings. For most DJs, this is likely to be a laptop computer. The Digital DJ Licence requires the DJ Database to consist of a computer or hard disk unit unless agreed otherwise with PPL.

Please note however that when PPL introduces DRM requirements (for more on which see below) whatever computer or hard disk unit you are using will need to be compatible with those requirements.

Do I need any other licences?

If you are copying or storing digital copies of sound recordings, you are copying and storing the musical and lyrical compositions featured on those sound recordings. You therefore need the licence of the Mechanical Copyright Protection Society (“MCPS”), which controls the copying rights of composers in the UK.

If you use the DJ Database to perform sound recordings in public, either the venue or you will need to obtain a public performance licence.

What if I don't get a Digital DJ Licence?

You will be unable to use digital copies of sound recordings in PPL's repertoire for your DJing. As well as infringing PPL's rights in its sound recordings by copying and storing sound recordings in digital form, venues may refuse to let you play if you can not demonstrate that your digital files are properly licensed.

Who can obtain a Digital DJ Licence?

Any individual DJ who wants a licence to keep digital copies of sound recordings and use them for public performances can obtain a Digital DJ Licence from PPL if the copying takes place in the UK and the public performances take place in the UK or the European Economic Area.

What if I just use digital copies of sound recordings for a one-off performance?

The Digital DJ Licence is designed for DJs who publicly perform sound recordings several times a year. Please contact PPL for further information if you wish to use digital copies of sound recordings for a single public performance.

What about copying that took place before I acquired a Digital DJ Licence?

The digital copies that you made will be subject to the provisions of the Digital DJ Licence. However, PPL or PPL's members may have claims against you in respect of any past unauthorised copying and these claims are not affected by the grant of a Digital DJ Licence to you.

Copying tracks

What is meant by “a track”?

A track is an individual sound recording.

Each different mix of a particular sound recording is a separate track.

Each different version of a particular song or recording, is a separate sound recording and hence a separate track.

If a particular sound recording includes samples from other sound recordings, the resulting sound recording counts as one track.

What tracks can I copy and store?

You can store on your DJ Database any of the hundreds of thousands of sound recordings in the repertoire of PPL. On very rare occasions PPL may notify you and other DJs that a particular sound recording is excluded from the licence (for example, where there is a dispute as to the ownership of the rights in that sound recording).

Can I select certain tracks?

It is entirely up to you what tracks from PPL's repertoire are stored on your DJ Database.

Will these tracks be provided to me by PPL?

PPL will allow you to copy and store digital copies of the sound recordings in PPL's repertoire. However, PPL does not supply sound recordings to its licensees.

You can use any of these tracks in PPL's repertoire, but first of all you must obtain them by lawful means.

What sources can I use?

Digital copies can only be made from legitimately sourced recordings owned by the DJ – e.g. vinyl, CDs, digital downloads. Copies cannot be made from illegitimate sources such as bootleg CDs and unauthorised download sites, or from CDs or digital files borrowed from another DJ.

What happens if I lose the original record?

Provided that you made the digital file from a legitimate source, it does not matter if you no longer have access to that source. Therefore you can keep the file under the licence even if the record that you purchased from the store is broken, lost or stolen or if the original file that you downloaded from a legitimate website is deleted from the DJ Database or the Back-up Database.

Who can copy the tracks?

The Digital DJ Licence only entitles you to copy sound recordings onto the DJ Database or Back-up Database. A third party cannot carry out this task for you (and nor does the licence allow you to do any copying for third parties).

Where I can copy the tracks?

PPL is only able to license copying which takes place in the UK.

If you lawfully downloaded a sound recording whilst you were out of the UK, the PPL licence will apply to that sound recording once you bring the DJ Database back to the UK. Whilst you remain a licensee, you can then use that sound recording in the UK and throughout the European Economic Area (subject to the appropriate public performance licences being in place at the venues where you perform).

What can I copy the tracks onto?

The licence allows you to copy or store sound recordings onto a computer or hard disk unit (but not other items such as CDs or mini-discs).

What formats can I use?

At present you can copy store the sound recording in any digital format. However, please note that in the near future PPL will be requiring the storage of sound recordings in digital form to be protected by Digital Rights Management.

You therefore are advised to use a format that will comply with Digital Rights Management requirements.

Can I keep spare copies of the digital files?

PPL recognises that you do want to risk losing all of your digital copies if your DJ Database is stolen. Therefore the Digital DJ Licence allows you to keep a back-up of the digital copies on your DJ Database, these additional copies being stored on a Back-up Database. Unless agreed otherwise with PPL, the Back-up Database must consist of a computer or hard disk unit.

Apart from the copy kept on the Back-up Database, you will not be able to keep more than one copy of any sound recording.

How many tracks can I keep?

You can only store in digital form a maximum of 20,000 tracks. Tracks on your Back-up Database do not count towards this total, provided that they are copies of tracks included in the count for the DJ Database.

If you reach this limit and want to copy more tracks, you will have to delete an equivalent number of tracks from your DJ Database and your Back-up Database. Please note that it is not permissible to evade this limit by deleting excess tracks and saving them on a separate disk (or disks).

If you would like to take out multiple licences, to effectively increase your track limit, please contact PPL's Digital DJ Team on 020 7534 1131.

You can only store tracks that you have obtained from legitimate sources. Therefore you must have downloaded the track yourself from a legitimate website or you must have purchased the physical record.

Does the licence allow me to create mixes?

All that the Digital DJ Licence allows you to do is copy onto, and store on, the DJ Database (and Back-up Database) sound recordings in their original form (that is, the version that you downloaded or that was on the record that purchased from the shop). You are not entitled to edit or alter the track (including combining two or more tracks to create a new track).

This does not stop you creating a mix from different tracks when you are performing as a DJ. However, neither you nor anyone else will be able to record this mix.

What about karaoke records?

The Digital DJ Licence is designed to facilitate your playing of PPL's sound recordings. It therefore covers the copying and storage of these sound recordings on your DJ Database (and Back-up Database) but does not allow you to create karaoke records or copy such records onto the DJ Database (or the Back-up Database).

What protection do I have to provide for the digital copies?

You will need to make sure that the digital copies (both on the DJ Database and on the Back-up Database) are kept safe and secure.

As a minimum, you should keep the DJ Database and Back-up Database safely locked away when not in use and with passwords required to gain access.

In the future, you also will need to ensure that the DJ Database and Back-up Database have appropriate Digital Rights Management (see below).

You will need to have Digital Rights Management in place now if you wish to use the digital copies on the DJ Database to provide background music.

What is Digital Rights Management?

Digital Rights Management means technical systems designed to control or restrict the use of digital content. The ease of transferring sound recordings and films in digital form, and the quality of the copies, mean that it is important to copyright owners to ensure that their legal rights are protected by appropriate technology.

Playing records

Who can use my DJ Database?

You will be the only person entitled to use the DJ Database (and the Back-up Database).

What can the DJ Database be used for?

The DJ Database can only be used for providing specially featured entertainment (see further below).

Where can I use my DJ Database?

You can take your DJ Database anywhere in the European Economic Area without needing any further licences or permission from the owners of the rights in the sound recordings.

However, wherever you go, you will need to ensure that the venue has an appropriate public performance licence. When a venue uses a DJ such as yourself, it needs a specially featured entertainment licence (unless you have a Mobile DJ licence from PPL and that licence is appropriate for the entertainment at that venue).

What is specially featured entertainment?

Sound recordings are used as specially featured entertainment when they are played as a main or special attraction, rather than for background music. Examples of events of specially featured entertainment include discotheques, DJ presentations, table/lap dancing and roller discos.

PPL grants licences for the public performance of sound recordings as specially featured entertainment. These licences typically are granted to the owners or occupiers of the venues at which the specially featured entertainment takes place. The fees for these licences are calculated in accordance with PPL's Tariff 001. Further information on the licence fees and operation of Tariff 001 can be obtained from PPL's website or by contacting the Public Performance Operations Team on 020 7534 1000.

You must check with each venue at which you play that there is an appropriate PPL specially featured entertainment licence in place.

What is the Mobile DJ licence?

In addition to granting licences for specially featured entertainment, PPL also will grant licences to DJs who play sound recordings in public at individual and one off events. Examples of such events include fetes, outdoor shows, sports club discos and local businesses' Christmas parties.

The mobile DJ licence does not cover the following:

- (1) Events held in discotheques, nightclubs or similar venues.
- (2) Permanent/regular engagements.
- (3) Consecutive events held in the same venue.
- (4) Events promoted by the mobile DJ (you should contact PPL for the appropriate public performance licence for such events).
- (5) Domestic events (e.g birthdays, weddings) which do not require a PPL public performance licence.

Further information on the licence fees and operation of Tariff 004 can be obtained from PPL's website or by contacting the Public Performance Operations Team on 020 7534 1000.

Can I use my DJ Database as a radio DJ?

The Digital DJ Licence is only for DJs who play sound recordings in public. If you are a radio DJ you will need a separate licence for your database. Please contact PPL's Broadcasting team on 020 7534 1000.

Payment terms

What do I have to pay?

There is an annual fee of £200 (please note that this fee will be increased by indexation each year). The licence fee is subject to VAT.

When does the licence fee have to be paid?

The annual fee has to be paid in full and in advance for each year (or part of a year) that the licence remains in force. The licence will not come into effect unless and until the first annual licence fee is paid.

In subsequent years you will have to pay the annual licence fee on or before the anniversary of the date when your licence was granted.

What is the surcharge?

As with other PPL licences and in accordance with Copyright Tribunal rulings, there will be a surcharge of 50% for copyright users who fail to obtain a licence from PPL before starting their use of PPL's sound recordings.

Reporting

What information do I have to provide to PPL?

You will be required to give certain information to PPL if requested to do so by PPL.

You may be required to give PPL a list of all the tracks that you have on your DJ Database at a particular time and a list of the tracks that have copied during a particular period. This information is important to PPL as it will enable the licence fee income to be distributed as fairly as possible between the record companies whose sound recordings are used by DJs.

You also may be required to tell PPL what venues you have performed at. This enables PPL to check that the venues are reporting correctly to PPL themselves and that they are only using DJs who have legitimate databases of sound recordings.

Finally, you also may be required to provide PPL with a playlist of the tracks that you play at a particular event. You will be given advance notice of the event or asked to nominate a particular event yourself.

Can PPL inspect my computer?

PPL will have the right to inspect the DJ Database and Back-up Database.

Termination and expiry

How long does the licence last?

The Digital DJ Licence is a rolling licence. It remains in force until it is terminated.

Can PPL terminate the licence?

Either you or PPL can terminate the licence by giving three months written notice. Please note that it is not possible for you to terminate the licence in this way so that the licence lasts for less than one year.

The licence also can be terminated by PPL because the annual licence fee has not been paid or because you have breached other terms of the licence.

What happens when the licence is terminated?

Depending upon the reason for the termination, you may be able to obtain a further licence, in which case you will be able to keep all the sound recordings on the DJ Database and the Back-up Database.

If a new licence is not granted, you will have to delete all the sound recordings on the DJ Database that were not acquired by way of lawful downloads (and you will not be able use the remaining sound recordings for public performances). You also will have to delete all the sound recordings on the Back-up Database.

The information set out in this document is intended for guidance only. In the event of any inconsistency between this information and the Digital DJ Licence Terms and Conditions, the latter shall prevail.